

United States Bankruptcy Court
Southern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): DIMITRI NURSERIES, INC	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): DIMITRIS GARDEN CENTER	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 133611796	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): 2413 THIRD AVENUE BRONX, NY 10451 <div style="text-align: right; border: 1px solid black; padding: 2px;">ZIP CODE 10451</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right; border: 1px solid black; padding: 2px;">ZIP CODE</div>
County of Residence or of the Principal Place of Business: THE BRONX	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): SAME <div style="text-align: right; border: 1px solid black; padding: 2px;">ZIP CODE</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right; border: 1px solid black; padding: 2px;">ZIP CODE</div>
Location of Principal Assets of Business Debtor (if different from street address above): <div style="text-align: right; border: 1px solid black; padding: 2px;">ZIP CODE</div>	

Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or house- hold purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
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Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. ----- Check all applicable boxes: <input checked="" type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for
 distribution to unsecured creditors.

Estimated Number of Creditors

☒ 1-49
 ☐ 50-99
 ☐ 100-199
 ☐ 200-999
 ☐ 1,000-5,000
 ☐ 5,001-10,000
 ☐ 10,001-25,000
 ☐ 25,001-50,000
 ☐ 50,001-100,000
 ☐ Over 100,000

Estimated Assets

☐ \$0 to \$50,000
 ☐ \$50,001 to \$100,000
 ☒ \$100,001 to \$500,000
 ☐ \$500,001 to \$1 million
 ☐ \$1,000,001 to \$10 million
 ☐ \$10,000,001 to \$50 million
 ☐ \$50,000,001 to \$100 million
 ☐ \$100,000,001 to \$500 million
 ☐ \$500,000,001 to \$1 billion
 ☐ More than \$1 billion

Estimated Liabilities

☐ \$0 to \$50,000
 ☐ \$50,001 to \$100,000
 ☒ \$100,001 to \$500,000
 ☐ \$500,001 to \$1 million
 ☐ \$1,000,001 to \$10 million
 ☐ \$10,000,001 to \$50 million
 ☐ \$50,000,001 to \$100 million
 ☐ \$100,000,001 to \$500 million
 ☐ \$500,000,001 to \$1 billion
 ☐ More than \$1 billion

**THIS SPACE IS FOR
 COURT USE ONLY**

U.S. BANKRUPTCY COURT
 FILED
 2009 MAY 20
 12:36

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): DMITRI NURSERIES INC	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor:	Case Number:	Date Filed:	
District: Southern District of New York	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) (Date)	
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.			
<input checked="" type="checkbox"/> No.			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)			
_____ (Name of landlord that obtained judgment)			
_____ (Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition

(This page must be completed and filed in every case.)

Name of Debtor(s):

DIMITRI NURSERIES INC**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only **one** box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

Date

Signature of Attorney*

X

Signature of Attorney for Debtor(s)

Printed Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

[If debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11 of the Bankruptcy Code, this Exhibit "A" shall be completed and attached to the petition.]

UNITED STATES BANKRUPTCY COURT

In re DIMITRI NURSERIES, INC.,) Case No. _____
 Debtor)
)
) Chapter 11

EXHIBIT "A" TO VOLUNTARY PETITION

1. If any of the debtor's securities are registered under Section 12 of the Securities Exchange Act of 1934, the SEC file number is _____.

2. The following financial data is the latest available information and refers to the debtor's condition on _____.

a. Total assets	\$	<u>350,000.00</u>		
b. Total debts (including debts listed in 2.c., below)	\$	<u>296,848.66</u>		
c. Debt securities held by more than 500 holders:				
			Approximate number of holders:	
secured <input checked="" type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/>	\$	<u>146,049</u>		<u>4</u>
secured <input type="checkbox"/> unsecured <input checked="" type="checkbox"/> subordinated <input type="checkbox"/>	\$	<u>150,799</u>		<u>12</u>
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/>	\$	_____		_____
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/>	\$	_____		_____
secured <input type="checkbox"/> unsecured <input type="checkbox"/> subordinated <input type="checkbox"/>	\$	_____		_____

d. Number of shares of preferred stock _____

e. Number of shares common stock _____

Comments, if any:

3. Brief description of debtor's business:
 GARDEN CENTER RETAIL OPERATION

4. List the names of any person who directly or indirectly owns, controls, or holds, with power to vote, 5% or more of the voting securities of debtor: _____
 ALEXANDER N. GATANAS

[If, to the best of the debtor's knowledge, the debtor owns or has possession of property that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety, attach this Exhibit "C" to the petition.]

UNITED STATES BANKRUPTCY COURT

In re DIMITRI NURSERIES INC. ,) Case No. _____
Debtor)
)
) Chapter _____

EXHIBIT "C" TO VOLUNTARY PETITION

1. Identify and briefly describe all real or personal property owned by or in possession of the debtor that, to the best of the debtor's knowledge, poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

2. With respect to each parcel of real property or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

DIMITRI NURSERIES, INC
LIST OF UNSECURED CREDITORS

COMPANY NAME	ADDRESS	PHONE	AMOUNT
GLS REAL ESTATE CO, LLC	2407 THIRD AVENUE, BRONX NY 10451		
FORD MOTOR CREDIT COMPANY	P.O. BOX 31111, TAMPA FLORIDIA 33631		\$70,540.00
STAPLES CREDIT PLAN,	P.O. BOX 689020, DES MOINES, IA 50368	877-349-5260	\$27,630.00
CAMPANIA INTERNATIONAL	2452 QUAKERTOWN ROAD, SUITE 100		\$4,500.00
PONCE DE LEON, FEDERAL SAVINGS BAN	1925 THIRD AVENUE, NY NY 10029	215-541-4627	\$15,667.75
CON EDISON	JAF STATION P.O. BOX 1702, NY NY 10116	212-348-7731	\$8,992.77
PAETEC	PO BOX 1283 BUFFALO NY 14240-1283	800-752-6633	\$2,397.77
W.B. BROWNSTONE SALES CO.	PO BOX 2110, MANDEVILLE, LA 70470	877-340-2600	\$260.66
CYNERGY DATA	30-30 47TH AVENUE , LONG ISLAND CITY, NY	985-626-1963	\$2,829.96
CAPITAL ONE	P.O. BOX 30285, SALT LAKE CITY	800-933-0064	\$472.50
ARETT SALES	1152 MARKKRESS ROAD, CHERRY HILL NJ 08034	800-867-0904	\$5,088.42
NORTHERN BORDER TREE FARM	P.O. BOX 449, ANDOVEN N.J. 07821	856-751-1224	\$6,221.13
		973-786-7000	\$6,198.70
			\$150,799.66

DIMITRI NURSERIES, INC
LIST OF SECURED CREDITORS

CREDITOR NAME	ADDRESS	PHONE	AMOUNT
GMAC	PO BOX 380905, BLOOMINGTON MN 55438		
PUGET SOUND LEASING	PO BOX 1295 ISSAQUAH, WA 98027	425-392-6402	\$13,560.00
TOYOTA FINANCIAL SERVICES	P.O. BOX 3457 TORRANCE, CA 60510	800-541-2315	\$93,751.00
INNOVATIVE LEASE SERVICES, INC.	5931 PRIESTLY DRIVE, CARISBAD, CA 92008	800-438-1470	\$13,632.00
			\$25,106.00
			\$146,049.00

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11 Case No.
	:	09-_____ ()
DIMITRI NURSERIES, INC.,	:	
	:	
Debtor.	:	
	:	

-----X

AFFIDAVIT OF ALEXANDER GATANAS
PURSUANT TO RULE 1007-2 OF THE LOCAL BANKRUPTCY
RULES FOR THE SOUTHERN DISTRICT OF NEW YORK IN
SUPPORT OF FIRST-DAY MOTIONS AND APPLICATIONS

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Alexander Gatanas, being duly sworn, hereby deposes and says:

1. I am the Vice President of DIMITRI NURSERIES, INC. (the "Debtor" or the "Company"), the debtor and debtor in possession in this chapter 11 case. In that capacity, I am familiar with the Company's day -to-day operations, businesses, and financial affairs.
2. This affidavit is made pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Bankruptcy Rules") to assist the Court and

other parties in interest in understanding the circumstances that compelled the commencement of this chapter 11 case and in support of (i) the Debtor's petition for relief under chapter 11 of the title 11 of the United States Code (the "Bankruptcy Code") filed on the date hereof (the "Commencement Date") and (ii) the relief, in the form of motions and applications, that the Debtor has requested of the Court.

3. Except as otherwise indicated, all facts set forth in this affidavit are based upon my personal knowledge, my discussions with other members of the Company, my review of relevant documents, or my opinion based upon experience, knowledge, and information concerning the Debtor's operations and financial affairs. If called upon to testify, I would testify competently to the facts set forth in this affidavit. I am authorized to submit this affidavit on behalf of the Debtor.
4. Section I of this affidavit provides an overview of the Company's business. Section II describes the circumstances giving rise to the Debtor's commencement of this chapter 11 case. Section III describes certain information required by Local Bankruptcy Rule 1007-2.

I.

DIMITRI NURSERIES, INC. Business

5. The Company was formed on 1991 to operate a retail garden center in New York City.

II.

Events Leading to the Chapter 11 Case

6. The Company suffers from the unprecedented downturn of the economy.
7. The Debtor filed this chapter 11 case so that it could preserve its assets and preserve any leasehold interests it may hold. While the Company continued to explore a number of strategic alternatives, there was no other viable alternative available.

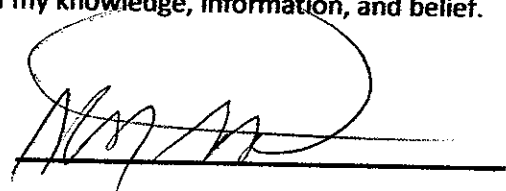
III.

Information Required by Local Bankruptcy Rule 1007-2

8. In accordance with Local Bankruptcy Rule 1007-2(a)(3), and to the best of my knowledge, information, and belief, no creditors' committees were organized prior to the Commencement Date.
9. In accordance with Local Bankruptcy Rule 1007-2(a)(4), and to the best of my knowledge, information, and belief, there are unsecured claims.
10. In accordance with Local Bankruptcy Rule 1007-2(a)(8), and to the best of my knowledge, information, and belief, the leasehold interest, if any still may exist, in 2413 Third Avenue, #1FA, #1FB, Back Lot and Front Strip, Bronx, NY 10451 is threatened by an

imminent eviction at any time. Such an eviction will cripple the business further. In the very least, we wish to move within a few months to wind down the business.

11. In accordance with Local Bankruptcy Rule 1007-2(a)(11), and to the best of my knowledge, information, and belief, there are at least two judgments and the local marshal and seizure of property is imminent or exists. One judgment is in Brooklyn New York Court in favor of Hines Horticulture. The other judgment is in Queens New York Court in favor of Friedlander Insurance.
12. Due to the short time that the Debtor had to prepare to file its chapter 11 case, the Debtor is unable to provide the balance of information required by the Local Bankruptcy Rules.
13. As mentioned above, the Debtor had only few hours to prepare for this filing. The Debtor requests that the Court waive the obligation for the Debtor to file the additional schedules as provided by the Local Bankruptcy Rule 1007-2(d).
14. The foregoing is true and correct to the best of my knowledge, information, and belief.



Alexander Gatanas

Sworn to and subscribed before me, a notary public for the State of New York,
County of New York, this 19th day of May, 2009.



Notary Public

Robert Gary Stopper
Notary Public, State of NY
Qualified in NY County
License 01 ST5079235
Commission Expires: 06/02/2009